

MINUTES
GREEN BAY PLAN COMMISSION
Monday, November 21, 2016
City Hall, Room 604
6:00 p.m.

*****For more detailed information regarding the meeting, please see the meeting video on our website at <http://greenbaywi.gov/event/plan-commission-meeting-85/> and follow the time stamp listed on each item.***

MEMBERS PRESENT: Maribeth Conard–Chair, Tim Gilbert-Vice Chair, Ald. Dave Nennig, Sid Bremer, Jerry Wiezbiskie and Jake Miller

MEMBERS EXCUSED: Lisa Hanson

OTHERS PRESENT: Kevin Vonck, Paul Neumeyer, Stephanie Hummel, Todd Thomas, Matt Kaminski, Corey Wallace, Fred Jacques, Trina Olson, Jennifer Olson, Rick Schmitz, Michael Hubbard, and Chris Hausfeld

APPROVAL OF MINUTES:

Approval of the minutes from the October 24, 2016, Plan Commission meeting. (0:00:04)

A motion was made by S. Bremer and seconded by Ald. D. Nennig to approve the minutes from the October 24, 2016, Plan Commission meeting. Motion carried.

COMMUNICATIONS:

OLD BUSINESS:

1. (TA 16-04) Consideration with possible action on the request to amend Chapter 13-2011, Table 20-3, to permit projecting signs within the General Industrial (GI) District, submitted by Kelli Lax, Creative Sign. (0:00:16)

P. Neumeyer presented the staff report and staff's recommendation to deny the request. Information presented included the definition of projecting signs and where they are allowed, the catalyst for the request, and staff's concerns.

A conversation then ensued between Commissioners and Staff. Information included where projecting signs are permitted and the types of signs allowed in the GI District.

M. Conard called for public comments.

Todd Thomas – Creative Sign, 505 Lawrence Drive; De Pere, WI: T. Thomas discussed the catalyst site for the sign request.

A conversation ensued between the applicant, staff and Commissioners. Information discussed included permitted signs, the type of business the catalyst site is, and the understanding that the request is for a Text Amendment for the entire code and not just a request for one particular sign.

A discussion ensued between Commissioners and staff. T. Gilbert stated he does not believe the request for one projecting sign warrants for an amendment to the ordinance.

A motion was made by T. Gilbert and seconded by J. Wiezbiskie to deny the request to amend Chapter 13-2011, Table 20-3, to permit projecting signs within the General Industrial (GI) District.

Ald. D. Nennig asked staff if they have to change the ordinance to accommodate this request. P. Neumeyer stated yes as the request is not a candidate for a variance and that an amendment to the ordinance would be necessary.

Motion carried.

NEW BUSINESS:

5. (ZP 16-48) Consideration with possible action on the request to amend the I43 Business Center Protective Covenants to allow for additional wall signage for Aurora Bay Care located at 2845 Greenbrier Road, submitted by Matt Kaminski, Poblocki Sign Company, on behalf of Aurora Bay Care, property owner. (Ald. T. De Wane, District 2) (0:10:35)

P. Neumeyer presented the staff report and staff's recommendation to approve the request to amend the I43 Business Center Protective Covenants to allow for additional wall signage for Aurora Bay Care located at 2845 Greenbrier Road. Items discussed included the Comprehensive Plan, uses in the area, sign requirements in the district, and other amendments made to the I43 Business District. He explained the proposal is to have three individual signs on two different buildings facing I43 to increase visibility. All property / business owners under the PUD were notified of the request. There have been no responses. Staff is recommending approval of the request.

The following were present, but did not wish to speak: Matt Kaminski – 922 S 70th Street, West Allis, WI 53214.

A motion was made by T. Gilbert and seconded by J. Wiezbiskie to approve the request to amend the I43 Business Center Protective Covenants to allow for additional wall signage for Aurora Bay Care located at 2845 Greenbrier Road. Motion carried.

2. (ZP 16-46) Consideration with possible action on the request for a Conditional Use Permit (CUP) for a drive-thru restaurant at 2230 Main Street, submitted by Corey Wallace, Chet Wesenberg, Architect, LLC. (Ald. A. Nicholson, District 3). (0:13:15)

P. Neumeyer presented to Commissioners the staff report and staff's recommendation to approve the request for a CUP for a drive-thru restaurant at 2230 Main Street. Items presented included current zoning, the Comprehensive Plan, location of the drive-thru, what the applicant is proposing and staff's concerns regarding traffic. Affected property owners were notified of the request. No calls or questions were received regarding the request. Approval is being recommended subject to standard site plan review and approval.

A conversation ensued between staff and Commissioners. Information discussed included traffic concerns, the entrances for the drive-thru, parking, and green space.

A motion was made by T. Gilbert and seconded by Ald. D. Nennig to suspend the rules for public comments.

Corey Wallace – 146 Algoma, Oshkosh, WI, 54901: C. Wallace stated he is the developer for the project. He gave information regarding past Starbucks he has worked on in the area. He presented renderings of what the new Starbucks will look like.

A conversation ensued between staff, Commissioners and the applicant. Issues discussed included the size of the building.

A motion was made by J. Wiezbiskie and seconded by Ald. D. Nennig to approve the request for a CUP for a drive-thru restaurant at 2230 Main Street, subject to standard site plan review and approval. Motion carried.

3. (ZP 16-47) Consideration with possible action on the request to rezone the 701 Block of Morley Road from Business Park (BP) to Light Industrial (LI), submitted by Rick Schmitz, Lok-Safe Storage, property owner. (Ald. M. Steuer, District 10).(0:19:09)

P. Neumeyer presented to Commissioners the staff report and staff's recommendation to approve the request to rezone the 701 Block of Morley Road from Business Park (BP) to Light Industrial (LI). He informed Commissioners that items 3 and 4 are related. This request is for the rezoning and the second request is for a CUP for storage warehouses. Information included the location of the request, parcels involved, spot zoning, the reason for the rezoning request, the current zoning, and the Comprehensive Plan.

A conversation ensued between staff and Commissioners. Items discussed included the reason for the rezoning, permitted uses in Business Park District (BP) and Light Industrial (LI), spot zoning and current uses.

A motion was made by S. Bremer and seconded by T. Gilbert to suspend the rules for public comments.

Jennifer Olson – 1736 Bond Street: J. Olson presented her concerns to Commissioners, which included noise, definition of Light Industrial and what other types of businesses would be allowed.

P. Neumeyer gave the definition of Light Industrial (LI) and the type of businesses that would be approved for this type of use.

Rick Schmitz – 2781 Newcastle Ct: R. Schmitz stated he is the owner of Lok-Safe. He explained the plans for the storage units and addressed the concerns of traffic and noise. The rezoning of the parcels will allow for them to have larger style units.

The following were present but did not wish to speak: Trina Olson – 1736 Bond Street.

A motion was made by J. Wiezbiskie and seconded by S. Bremer to approve the request to rezone the 701 Block of Morley Road from Business Park (BP) to Light Industrial (LI). Motion carried.

4. (ZP 16-47a) Consideration with possible action on the request for a Conditional Use Permit (CUP) for self-service storage warehouses at 711 Morley Road, submitted by

Rick Schmitz, Lok-Safe Storage, property owner. (Ald. M. Steuer, District 10). (0:29:47)

P. Neumeyer presented to Commissioners the staff report and staff's recommendation for approval, subject to standard site plan review and approval, for a CUP for self-service warehouses. Information presented included the rezoning, size of the lots, site plans, green space, and the number of units being added. Affected property owners have been notified of the request. No calls or objections were received regarding the request.

A conversation ensued between Commissioners and staff. Items discussed included noise and access points for the units.

A motion was made by J. Wiezbiskie and seconded by T. Gilbert to approve the request for a Conditional Use Permit (CUP) for self-service storage warehouses at 711 Morley Road. Motion carried.

6. (SP 16-02) Consideration with possible action on the request to declare City property surplus along N. Norwood Avenue, submitted by the Department of Public Works. (Ald. G. Zima, District 9) (0:31:52)

S. Hummel presented to Commissioners the staff report and staff's recommendation for approval to declare City property surplus along N. Norwood Avenue. Items discussed included the location of the property, history of the vacated property, who can purchase the property, and zoning.

A motion was made by J. Wiezbiskie and seconded by S. Bremer to approve the request to declare City property surplus along N. Norwood Avenue. Motion carried.

7. (VR 16-03) Consideration with possible action on the request for a variance from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division less than the allowable lot width and area, located at the corner of 11th Avenue and 3rd Street, submitted by Mike Hubbard, property owner. (Ald. G. Zima, District 9) (0:33:40)

S. Hummel presented to Commissioners the staff report and staff's recommendation to deny the request for a variance from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division less than the allowable lot width and area, located at the corner of 11th Avenue and 3rd Street. Information presented included the criteria needed for CSM variances, reasons for the variance, property location, petitioner's intent, the Comprehensive Plan, zoning, and the division of parcels.

S. Hummel informed Commissioners that three variances would be needed: Lot 1 would be too small area wise and too narrow, Lot 2 would be allowable by code, and Lot three would be too small area wise. They would also need to go before the Board of Appeals for setbacks as the buildings are too close together. Another issue to consider is access to the garage as the driveway crosses Lots 1 & 3. She then informed Commissioners of the alternative that was recommended to the petitioner, which is to divide the lot into two separate lots, keeping proposed Lots 1 & 3 on one lot. This would no longer require any variances from the Plan Commission, but would still require going before the Board of Appeals for setback issues. However, the petitioner wanted to move forward with the three-lot request. Staff is recommending denial of the request. The lots would be left as very small unbuildable lots, and do not fit within the other lot sizes in the general neighborhood area.

Ald. G. Zima was notified of the request, with no response. Staff does have conditions for the request if Commissioners approve the request.

A conversation ensued between Staff and Commissioners. Items discussed included how the variance expires, size of the lots, BOA meeting results, the issue of three separate variances for a CSM, and parking issues.

A motion was made by Ald. D. Nennig and seconded by J. Wiezbiskie to suspend the rules for public comments.

Chris Hausfeld – 922 Lambeau Street: C. Hausfeld stated he is the land surveyor that is working with the petitioner. He spoke on behalf of his sister, who is for the request as she would like to see less rental homes in the area. He addressed the garage and driveway issue and stated there is no other way to divide the parcels.

Michael Hubbard – 885 Jennifer Lane, Sobieski, WI 54171: M. Hubbard answered questions Commissioners had regarding the garage and driveway issues. He stated he does have potential buyers for two of the lots and wants to keep the duplex (Lot 3) as a duplex and sell it as an owner-occupied unit. He informed Commissioners of the other properties in the area that are also small, narrow lots and are within a two-block radius that fit in the neighborhood.

M. Conard returned the meeting to regular order of business.

A discussion then ensued between Commissioners and staff. M. Conard stated she would like to see the properties split as requested as they would be owner-occupied homes. Ald. D. Nennig stated he does not have an issue with the petitioner's request. P. Neumeyer stated that creating the three lots would make them eligible for sale; however, it doesn't guarantee that the long term use of the property will be owner-occupied and could become rental properties. Other items discussed included zoning and the benefits of having the lots separated.

S. Bremer asked S. Hummel about the general concerns for approving variances. S. Hummel stated that CSM variance has long-term ramifications and can create problems for future land owners. Small lots are a challenge to redevelop, as seen throughout the city. This request is not acceptable to today's standards and not in the general spirit of the code.

M. Hubbard argued that the codes are for new development and that this is not a new development and should be allowed to be grandfathered in.

P. Neumeyer stated that staff would also recommend two lots instead of the three lots due to the fact they would be buildable lots. By dividing the lot into three lots, two of the lots would be unbuildable and could pose a challenge in the future.

J. Miller said he would like to see them broken up into two lots, which would make them more usable. J. Wiezbiskie agreed with J. Miller and would like to see it as two lots and not the three.

A motion was made by S. Bremer to deny the request as proposed with the understanding that they would approve the two lot separation as requested by staff.

A conversation continued regarding rental properties and homeownership. K. Vonck stated that the motion will need to approve or deny the three-lot separation only.

A motion was made by J. Wiezbiskie and seconded by J. Miller to deny the request for a variance from Section 14-727 of the Subdivision and Platting Ordinance to allow for a land division less than the allowable lot width and area, located at the corner of 11th Avenue and 3rd Street. Motion carried. Noes: M. Conard and T. Gilbert.

8. (ED 16-02) Consideration with possible action on the request to discontinue an easement located along vacated Fred Street, now 2400 University Avenue, submitted by University Avenue Center, LLC, property owner. (Ald. D. Nennig, District 5 and Ald. J. Moore, District 6) (1:02:01)

S. Hummel presented to Commissioners the staff report and staff's recommendation for approval for a request to discontinue an easement located along vacated Fred Street, now 2400 University Avenue. Information presented included the fact that there is an easement that was left over on the residential property. There is an existing tree planting easement and building setback area from the original plat. The petitioner is asking to remove both of those items, which will give them a clean lot to use as part of the redevelopment. Affected property owners and agencies were notified of the request. No objections or concerns were received. Staff is recommending approval subject to the following condition: Any unknown or otherwise undiscovered easements shall be the responsibility of the property owner. Any additional easements requiring vacation are subject to the Easement Discontinuance process.

A motion was made by Ald. D. Nennig and seconded by T. Gilbert to approve the request to discontinue an easement located along vacated Fred Street, now 2400 University Avenue. Motion carried.

OTHER:

Director's Update on Council Actions. (1:03:11)

K. Vonck reported the following information:

Items approved/denied at the November 7, 2016, Common Council Meeting:

- All of the 2017 BID plans were approved.
- The rezoning for the CUP for Finger Road will have to go through all readings at City Council due to not having a 30 day window per State Statute.

SUBMITTED PETITIONS: (for informational purposes only)

A motion was made by J. Wiezbiskie and seconded by S. Bremer to adjourn. Motion carried.

Meeting adjourned at 7:10 p.m.